

DISCUSSION OF THE AMENDMENT

Claims 1 and 19 have each been amended to make it more explicit that the free radical scavenger comprises both (1) at least two glycine units and (2) at least one amide unit, at least one ester unit, or at least one amide unit and one ester unit. Claim 2 has been amended by limiting R¹ and R² to hydrogen. Claim 3 has thus been canceled as redundant. Claims 4-6 have each been amended to clarify that the compound of formula (I) contains at least one amide unit. In addition, Claim 6 has been amended to depend on Claim 2. Claim 7 has been amended to clarify that the compound of formula (I) has at least one ester unit. Finally, Claim 19 has been additionally amended to make explicit what was at least implicit, i.e., that component ii) is other than component i).

No new matter is believed to have been added by the above amendment. Claims 1, 2 and 4-20 are now pending in the application.

REMARKS

Applicants thank the Examiner and the Examiner's supervisor for the courtesy extended to Applicants' attorney during the interview held January 22, 2009, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and discussed other issues raised in the Office Action. The discussion is summarized and expanded upon below.

As recited in Claim 1, an embodiment of the present invention is a process for stabilizing a polymerizable compound to polymerization during working-up, storage, transport, or a combination thereof, comprising adding at least one free radical scavenger which comprises (1) at least two glycine units and (2) at least one amide unit, at least one ester unit, or at least one amide unit and one ester unit, to the polymerizable compound, thereby stabilizing the polymerizable compound to polymerization. As discussed below, none of the applied prior art disclose or otherwise suggest the present invention.

The rejection of Claims 1, 11, and 15-20 under 35 U.S.C. § 102(b) as anticipated by US 4,690,995 (Keskey et al), is respectfully traversed.

Keskey et al is drawn to polymeric compositions which are stabilized against the effects of oxidation or aging by the incorporation of phenolic antioxidant monomers into the polymer to be stabilized or into compatible stabilizing copolymers (column 1, lines 11-16), wherein the polymeric composition comprises (A) at least one hindered phenol antioxidant monomer having an addition polymerizable double bond of the following formula (I): Ph-A1-D wherein, *inter alia*, D is an acyclic substituent having an addition polymerizable double bond which substituent may include, for example ester- or amide- type linkages, and (B) at least one unsaturated carboxylic acid monomer (column 3, lines 10-43).

Keskey et al, on various levels, neither anticipates nor otherwise renders the present claims unpatentable. As the Examiner confirmed during the above-referenced interview, he

is relying on Keskey et al's above-discussed formula (I). However, as Applicants' attorney noted during the interview, the hindered phenol antioxidant monomer of formula (I) does not act as a free radical scavenger to stabilize a polymerization compound to polymerization, but rather becomes part of the polymer. Indeed, the function of the hindered phenol antioxidant monomer of Keskey et al is the antithesis of the free radical scavenger of the present claims. In addition, the free radical scavenger of the present claims requires at least two glycine units. The hindered phenol antioxidant monomer of Keskey et al does not, as pointed out by Applicants' attorney during the interview.

During the interview, the Examiner indicated that Claim 1 may have been misinterpreted with regard to the scope of the free radical scavenger but that if it were clear what the scope is, the rejection would be withdrawn. Accordingly, although Applicants submit that the claims were clear prior to the above-discussed amendment, especially when the claims are interpreted in light of the specification, there is now no doubt that Keskey et al does not disclose the presently-recited free radical scavenger.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-10 and 12-20 under 35 U.S.C. § 103(a) as unpatentable over US 6,329,543 (Knebel et al), is respectfully traversed.

Knebel et al, whose EP equivalent is EP 19920796, is described in the specification herein at page 1, lines 32-38. These chelating agents of Knebel et al, which are present in Knebel et al's polymer reaction medium to chelate iron ions (column 5, line 33ff) are different from the free radical scavenger of the present claims. The Examiner relies on the disclosure of ethylenediaminetetraacetic acid (EDTA) therein, and finds that the only difference between an embodiment of the present invention and EDTA is an alkyl group such as a methyl group, while the corresponding group in EDTA is hydrogen. The Examiner thus

holds that it would have been obvious to replace the hydrogen of the hydroxyl groups of EDTA with an alkyl group.

As Applicants' attorney pointed out during the interview, the present invention cannot simply be the replacement of a hydrogen group on a hydroxyl group with, for example, a methyl group, but rather the replacement, for present Claim 1, of at least one carboxylic acid group, as in EDTA, with its ester or amide. There is no precedent in either organic chemistry or patent law that holds that it is *prima facie* obvious to either esterify or amidify a carboxylic acid and achieve a comparable result. Indeed, official notice can be taken that in the field of chelating agents, the presence of multiple carboxylic acid moieties is a significant feature. Accordingly, it is respectfully requested that the rejection be withdrawn.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman E. Oblon



Harris A. Pitlick
Registration No. 38,779

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)